


U.S.A. vs Daniel Leyva

No. 07CR3437-JM

The Court finds excludable delay, under the section indicated by check ( ☒ ),  
 commenced on 01/08/08 and ended on 04/04/08 ; ( )  
 and ended on . ( )

- 3161(h)  
☐ (1) (A) Exam or hrg for **mental or physical incapacity**  
☐ (1) (B) **NARA examination** (28:2902)  
☐ (1) (D) State or Federal trials or **other charges pending**  
☐ (1) (E) **Interlocutory appeals**  
☐ (1) (F) **Pretrial motions** (from flg to hrg or other prompt dispo)  
☐ (1) (G) **Transfers from other district** (per FRCrP 20, 21 & 40)  
☐ (1) (J) **Proceedings under advisement** not to exceed thirty days  
☐ Misc proc: Parole or prob rev, deportation, **extradition**  
☐ (1) (H) **Transportation** from another district or to/from examination or hospitalization in ten days or less  
☐ (1) (I) Consideration by Court of **proposed plea agreement**  
☐ (2) **Prosecution deferred** by mutual agreement  
☐ (3) (A) (B) **Unavailability of defendant or essential witness**  
☐ (4) Period of **mental or physical incompetence** of defendant to stand trial  
☐ (5) Period of **NARA commitment or treatment**  
☐ (6) **Superseding indictment and/or new charges**  
☐ (7) **Defendant awaiting trial of co-defendant** when no severance has been granted  
☐ (8) (A) (B) **Continuances** granted per (h) (8) -use "T" alone if more than one of the reasons below are given in support of continuance  
☐ (8) (B) (I) 1) Failure to grant a **continuance** in the proceeding would result in a **miscarriage of justice** and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial.  
 (Continuance - miscarriage of justice)  
☒ 2) Failure to grant a **continuance** of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted.  
 (Continuance - tendered a guilty plea)  
☐ (8) (B) (ii) 2) **Case unusual or complex**  
☐ (8) (B) (iii) 3) **Indictment** following arrest **cannot be filed** in thirty (30) days  
☐ (8) (B) (iv) 4) **Continuance** granted in order to obtain or substitute counsel, or give reasonable time to prepare  
 (Continuance re counsel)  
☐ 3161(I) Time up to **withdrawal of guilty plea**  
☐ 3161(b) **Grand jury indictment time extended** thirty (30) more days

Date 1-8-08

  
 Judge's Initials

A  
B  
C  
D  
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G  
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M  
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